

House File 631

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 157)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the apportionment of judgeships and the
2 voluntary transfer of a district judge among the judicial
3 election districts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1207HV 80
6 jm/sh/8

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1 1 Section 1. Section 602.6201, subsections 5 and 6, Code
1 2 2003, are amended to read as follows:
1 3 5. ~~In those judicial election districts having more
1 4 district judges than the number of judgeships specified by the
1 5 formula in subsection 3, vacancies shall not be filled if a
1 6 vacancy in a judgeship occurs, the judgeship shall be
1 7 apportioned to the judicial election district having the
1 8 greatest percentage of need between authorized judgeships and
1 9 judgeships specified by the formula in subsection 3, as
1 10 calculated by the state court administrator. If two or more
1 11 judicial election districts have an equal percentage of need
1 12 between authorized judgeships and judgeships specified by the
1 13 formula, the judgeship shall be apportioned by the state court
1 14 administrator. However, an apportionment under this section
1 15 shall not occur if the results of the apportionment would
1 16 cause the judicial election district in which the vacancy
1 17 occurs to have a greater percentage of need between authorized
1 18 judgeships and judgeships specified under the formula as
1 19 calculated by the state court administrator, than would the
1 20 judicial election district which would receive the apportioned
1 21 judgeship.~~
1 22 6. ~~In those judicial election districts having fewer or
1 23 the same number of district judges as the number of judgeships
1 24 specified by the formula in subsection 3, vacancies in the
1 25 number of district judges shall be filled as they occur.
1 26 Notwithstanding any other provision of the Code to the
1 27 contrary, if the chief justice of the supreme court determines
1 28 an inequity exists in the allocation of judgeships and
1 29 judicial workload between judicial election districts, the
1 30 chief justice may authorize a voluntary permanent transfer of
1 31 a district judge from one judicial election district to
1 32 another. The chief justice shall notify all eligible district
1 33 judges of the intent to authorize a voluntary permanent
1 34 transfer and the terms of such a transfer. The chief justice
1 35 may transfer a district judge who consents to the transfer
2 1 within six months of the notification. The transfer of a
2 2 district judge shall take effect within sixty days of the
2 3 official announcement of the transfer by the chief justice. A
2 4 district judge transferred pursuant to this subsection shall
2 5 have six months from the date of the announcement of the
2 6 transfer to establish residency in the judicial election
2 7 district where the district judge is transferred. A district
2 8 judge who has been transferred shall stand for retention in
2 9 the judicial election district to which the district judge has
2 10 been transferred as provided in chapter 46. For purposes of
2 11 subsection 3, the judgeship shall be apportioned to the
2 12 judicial election district where the judge is transferred. A
2 13 voluntary transfer pursuant to this subsection shall not cause
2 14 a vacancy of a judgeship in the judicial election district
2 15 from which the district judge was transferred. A transfer
2 16 under this section shall not occur if the results of the
2 17 transfer would cause the judicial election district from which
2 18 the district judge would be transferred to have a greater
2 19 percentage of need between authorized judgeships and
2 20 judgeships specified under the formula as calculated by the
2 21 state court administrator, than would the judicial election~~

~~2 22 district to which the district judge would be transferred.~~

2 23 Sec. 2. Section 602.6201, subsection 7, Code 2003, is
2 24 amended by striking the subsection.

2 25 Sec. 3. Section 602.6201, subsection 8, Code 2003, is
2 26 amended to read as follows:

2 27 8. ~~Vacancies shall not be filled in a judicial election~~

~~2 28 district which becomes entitled to fewer judgeships under~~

~~2 29 subsection 3, but an~~ An incumbent district judge shall not be

2 30 removed from office because of a reduction in the number of
2 31 authorized judgeships.

2 32 HF 631

2 33 jm/es/25